

**BOROUGH OF OLD FORGE
LACKAWANNA COUNTY, PENNSYLVANIA**

ORDINANCE No. 3 of 2023

AN ORDINANCE OF THE BOROUGH OF OLD FORGE REQUIRING USE REGISTRATION BY THE OWNER OF PROPERTY PRIOR TO THE SALE OF SAID PROPERTY TO OBTAIN A CERTIFICATION OF THE ZONING DISTRICT CLASSIFICATION ISSUED BY THE OLD FORGE BOROUGH ZONING OFFICER INDICATING THE ZONING CLASSIFICATION AND LEGALITY OF THE EXISTING USE OF THE PROPERTY TO BE SOLD IN THE BOROUGH OF OLD FORGE, LACKAWANNA COUNTY PENNSYLVANIA.

NOW, THEREFORE IT IS HEREBY ENACTED AND ORDAINED, by the Borough Council of the Borough of Old Forge, Lackawanna County, Pennsylvania, that it is hereby enacted and ordained by the authority of the laws by which Boroughs are governed an ordinance entitled "Use Regulations" to be cited as Chapter 257 "Use Registration" of the Code of the Borough of Old Forge.

§257-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AGREEMENT OF SALE— Any agreement, or written instrument, which provides that title to any property shall thereafter be transferred from one owner to another owner, and shall include inter alia written leases which contain options to purchase the leased property, and leases which provide that the lessee of the property shall acquire title thereto after the payment of a stipulated number of regular rent payments or after a stipulated period of time.

OWNER — Any person, copartnership, association, corporation or fiduciary having legal or equitable title, or any interest in any real property. Whenever used in any clause, prescribing or imposing a penalty, the term "owner," as applied to corporations, partnerships, limited liability companies and associations, shall mean the partners, or members thereof, and as applied to corporations, the officers thereof.

PROPERTY — All buildings or structures situate in the Borough of Old Forge.

§257-2. Certification.

It shall be unlawful for any owner to sell his property, or any interest therein, unless the owner shall first deliver to the purchaser at or prior to the time for settlement a certification of the zoning district classification, issued by the Zoning Officer, indicating the zoning classification and the legality of the existing use of the property to be sold.

§257-3. Nonconforming uses.

A certificate from the Zoning Officer certifying that the property has been approved or designated as a nonconforming use shall be deemed compliance with this chapter.

§ 257-4. Violations and penalties.

Any owner who violates the provisions of § 252-2 of this chapter shall, in accordance with the Act of 1955, July 27, P.L. 288, § 5, amended 1957, July 5, P.L. 502, § 3; 1959, May 11, P.L. 303, § 1; reenacted and amended 1973, Nov. 28, P.L. 348, No. 121, § 1 (21 P.S. § 615), be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000, or undergo imprisonment for not more than one year, or both.

§257-5 Severability.

The provisions of this Ordinance are severable and if any section, subsection, clause, sentence or part thereof shall be held or declared illegal, invalid and unconstitutional by any Court of competent jurisdiction, the decision shall not affect or impair any of the remaining sections, subsections, clauses, sentences or parts thereof, of this Ordinance; it is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, subsection clause, sentence or part thereof had not been included herein.

§257-6 Repealer.

All ordinances or parts of Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of such inconsistency.

§257-8 Effective Date.

This Ordinance shall be effective upon enactment.

ENACTED this 21st day of FEBRUARY, 2023.

ATTEST:

BOROUGH OF OLD FORGE

Mary Ann Bunkley
Secretary of Council

Carol Riordan
President of Council

Date: 2/21/2023

Robert J. Legg
Approved by the Mayor

This is to certify that the foregoing Ordinance was duly approved by the Council of the Borough of Old Forge, County of Lackawanna and Commonwealth of Pennsylvania at the meeting held on the 21 day of February, 2023.

Mary Ann Bickler
Secretary